

ORDINANCE NO. O-01-2012

AN ORDINANCE AMENDING CHAPTER 5, "HOUSING AND BUILDING REGULATIONS" BY ADDING ARTICLE 6 "MODERATELY PRICED HOUSING" TO REQUIRE THAT FUTURE RESIDENTIAL CONSTRUCTION INCLUDE A REQUIREMENT FOR MODERATELY PRICED HOUSING.

WHEREAS, the Town Council hereby finds that a severe housing problem exists within the Town and the County with respect to the supply of housing relative to the need for housing for residents with low and moderate incomes; and

WHEREAS, the Council has determined that it is in the public interest to provide for low- and moderate-income housing to meet existing and anticipated future residential and employment needs in the Town and in the County.

Section 1. NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Town of Kensington, in public meeting assembled, that Chapter 5, "Housing and Building Regulations", Article 6, "Moderately Priced Housing", of the Code of the Town of Kensington be enacted to read as follows:

Section 5-601.MODERATELY PRICED HOUSING

(A) CHAPTER 25A OF THE MONTGOMERY COUNTY CODE, ENTITLED "HOUSING, MODERATELY PRICED", WHICH PROVIDES FOR LOW- AND MODERATE-INCOME HOUSING TO MEET EXISTING AND ANTICIPATED FUTURE EMPLOYMENT NEEDS, INCLUDING ANY FUTURE AMENDMENTS, REVISIONS, OR CHANGES THERETO, IS HEREBY ADOPTED AND MADE PART OF THIS CODE BY REFERENCE, EXCEPT AS OTHERWISE PROVIDED IN THIS CODE. THE ANNUALLY REVISED STANDARDS OF ELIGIBILITY FOR THE MODERATELY PRICED DWELLING UNIT ("MPDU") PROGRAM SET BY REGULATION BY THE COUNTY EXECUTIVE FOR MONTGOMERY COUNTY ARE HEREBY ADOPTED. THESE STANDARDS SPECIFY MODERATE-INCOME LEVELS FOR VARYING SIZES OF HOUSEHOLDS WHICH WILL QUALIFY A PERSON OR HOUSEHOLD TO BUY OR RENT AN MPDU. REGULATIONS UNDER SECTION 25A (10) OF THE MONTGOMERY COUNTY CODE, AND AS THEY ARE ADOPTED OR AMENDED, ARE HEREBY ADOPTED.

(B) THIS SECTION IS AN EXCEPTION TO THE GENERAL EXEMPTION ENACTED BY THE TOWN OF KENSINGTON IN SECTION 1-202 OF THIS CODE.

(C) THE TOWN HEREBY REQUESTS AND AUTHORIZES MONTGOMERY COUNTY TO ENFORCE THE PROVISIONS OF THIS SECTION.

CAPS

[Brackets]

Asterisks * * *

Ordinance

: Indicate matter added to existing law.

: Indicate matter deleted from law.

: Indicate matter remaining unchanged in existing law but not set forth in

(D) A COPY OF CHAPTER 25A OF THE MONTGOMERY COUNTY CODE SHALL BE KEPT IN THE TOWN OFFICE AND SHALL BE MADE AVAILABLE DURING NORMAL BUSINESS HOURS.

Section 2. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the Town of Kensington that it is the intention of the Council, and it is hereby ordained, that the provisions of this ordinance shall become and be made a part of the Code of Ordinances, and the Sections of this ordinance may be renumbered to accomplish such intention.

Section 3. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the Town of Kensington that upon formal introduction of this proposed Ordinance, the Clerk Treasurer shall distribute a copy to each Council member and shall maintain a reasonable number of copies in the office of the Clerk Treasurer. The proposed ordinance or a fair summary thereof together with a notice setting out the time and place for a public hearing thereon and for its consideration by the Council, shall be:

- a. Posted at the town hall by the next business day;
- b. Posted on the official town website;
- c. Sent to those persons listed on the official town email list /mail subscription service; and
- d. Published once prior to the public hearing in the town newsletter or sent by substitute regular mail to newsletter circulation addresses.

The public hearing shall be held at least fifteen (15) days after introduction and may be held separately or in connection with a regular or special council meeting and may be adjourned from time to time. All persons interested shall have an opportunity to be heard. This Ordinance shall become effective on **March 5, 2012** provided that the ordinance or a fair summary thereof is:

- a. Posted at the town hall by the next business day for at least two (2) weeks;
- b. Posted on the official town website;
- c. Sent to those persons listed on the official town email list /mail subscription service; and
- d. Published once in the town newsletter.


INTRODUCED by the Mayor and Council of the Town of Kensington, Maryland at a regular meeting on the 12th day of December, 2011.

ADOPTED by the Mayor and Council of the Town of Kensington, Maryland at a regular meeting on the 13th day of February, 2012.

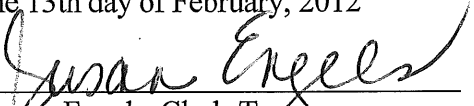
EFFECTIVE the 5th day of March, 2012.

ATTEST:

**THE TOWN OF KENSINGTON,
MARYLAND**


Peter Fosselman, Mayor

THIS IS TO CERTIFY that the foregoing
Ordinance was adopted by the Town
Council in public meeting assembled on
the 13th day of February, 2012


Susan Engels, Clerk-Treasurer